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**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

THOUGHT, INC., a California corporation,

Plaintiff,

v.

ORACLE CORPORATION, a Delaware corporation; ORACLE AMERICA, INC. a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation,

Defendants.

Civil Action No. C12-5601 WHO

**ORDER RE NUMBER OF TERMS THE  
COURT WILL CONSTRUE AND  
ASSOCIATED PROCEDURES FOR THE  
CLAIM CONSTRUCTION BRIEFING  
AND HEARING**

Date: February 5, 2014

Time: 2:00 p.m.

Courtroom: 2, 17<sup>th</sup> Floor

Honorable William H. Orrick

The Court, having reviewed and considered the parties Joint Administrative Motion on the Number of Terms the Court Will Construe and Associated Procedures for the Claim Construction Briefing and Hearing, orders that:

The Court will receive briefing on up to 20 terms, as set forth in the Joint Claim Construction and Prehearing Statement (Dkt. 64).

Thought will be allowed up to 40 pages in its opening brief, due February 13, 2014.

Oracle will be allowed up to 40 pages in its responsive brief, due March 13, 2014.

Thought will be allowed up to 24 pages in its reply brief, due March 28, 2014.

After receipt of Thought's reply brief, Oracle may seek leave of Court to file a sur-reply and Thought may oppose such a motion.

The technical tutorial is set for June 20, 2014, at 9 a.m. in Courtroom 12.

The claim construction hearing is set for June 27, 2014 at 9 a.m. in Courtroom 12.

The hearing is set for no more than three hours.

The parties may present live expert testimony at the claim construction hearing, but only with respect to indefiniteness under 35 U.S.C. § 112 ¶ 2 and as to the sufficiency of structure for the purposes of 35 U.S.C. 112 ¶ 6 analysis. The parties must disclose terms for which they will offer live expert witness testimony ten court days before the claim construction hearing. The parties may proffer expert testimony by deposition or, if declaration testimony is included in a party's claim construction brief, by declaration. The parties shall exchange designations of deposition testimony ten court days before the hearing, and counter-designations shall be exchanged five court days before the hearing.

IT IS SO ORDERED.

DATED: December 30, 2013

Honorable William H. Orrick  
United States District Judge